



Local Government Council

ACTION PACKET

**Wednesday, February 22, 2006
1:00 P.M.
404 House Office Building**

COUNCIL MEETING REPORT

Local Government Council

2/22/2006 1:00:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ken Sorensen (Chair)	X		
Thomas Anderson	X		
Mike Davis	X		
Terry Fields	X		
D. Alan Hays	X		
Matthew Meadows	X		
Julio Robaina	X		
Yolly Roberson	X		
Totals:	8	0	0

Committee meeting was reported out: Wednesday, February 22, 2006 5:30:33PM

COUNCIL MEETING REPORT

Local Government Council

2/22/2006 1:00:00PM

Location: 404 HOB

HB 143 : Retirement

☒ *Retained*

Appearances:

Retirement

Lisa Henning (Lobbyist) - Proponent

FOP

205 South Adams Street

Tallahassee FL 32301

Phone: 224-0880

Retirement

Don Teems (Lobbyist) - Proponent

Florida Police Benevolent Association, Inc.

300 E Brevard Street

Tallahassee FL 32301

Phone: 222-3329

Retirement

Jeff Porter (Lobbyist) - Opponent

Florida Association of Counties

100 S Monroe Street

Tallahassee FL 32301

Phone: 922-4300

Retirement

Randy Touchton (Lobbyist) - Proponent

Florida Professional Firefighters Association

345 W Madison Street

Tallahassee FL

Phone: 224-7333

Retirement

Kraig Conn (Lobbyist) - Opponent

Florida League of Cities

301 S Bronough Street

Tallahassee FL 32301

Phone: 222-9684

Committee meeting was reported out: Wednesday, February 22, 2006 5:30:33PM

COUNCIL MEETING REPORT

Local Government Council

2/22/2006 1:00:00PM

Location: 404 HOB

HB 273 : Outdoor Advertising

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Outdoor Advertising

Kevin Thibott (Lobbyist) (State Employee) - Information Only

Florida Department of Transportation

605 Suwanee Street

Tallahassee FL 32399-0450

Phone: 850-414-5220

Outdoor Advertising

Kraig Conn (Lobbyist) - Information Only

Florida League of Cities

301 S Bronough Street

Tallahassee FL 32084

Phone: 222-9684

Outdoor Advertising

Palmer Mason (Lobbyist) - Proponent

Florida Association of Counties

Tallahassee FL

Phone: 922-4300

Outdoor Advertising

Pete Dunbar (Lobbyist) - Proponent

Florida Outdoor Advertising Association

215 S Monroe Street

Tallahassee FL 32312

Phone: 222-3533

Outdoor Advertising

Richard Turner (Lobbyist) - Proponent

Florida Restaurant & Lodging Association

230 S Adams

Tallahassee FL 32301

Phone: 224-2250

Committee meeting was reported out: Wednesday, February 22, 2006 5:30:33PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 273

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

Council/Committee hearing bill: Local Government
Representative Mayfield offered the following:

Amendment (with title amendment)

Remove line(s) 37 - 48 and insert:

sign from view. View zones are established along the public rights of way of interstates, expressways, federal-aid primary highways and the State Highway System in the state, excluding privately owned property as follows: a view zone of 350 feet for posted speed limits of 35 mph or less; a view zone of 500 feet for posted speed limits of over 35 mph. The established view zone shall be within the first 1,000 feet measured along the edge of the pavement in the direction of approaching traffic from a point on the edge of the pavement perpendicular to the edge of the sign facing nearest the highway and shall be continuous unless interrupted by existing naturally occurring vegetation. The department and the sign owner may enter into an agreement identifying the specific location of the view zone for each sign facing. In the absence of such agreement, the established view zone shall be measured from the sign along the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

edge of the pavement in the direction of approaching traffic as
provided above. Any governmental entity or other

===== T I T L E A M E N D M E N T =====

Remove line(s) 6 - 7 and insert:

constitute a view zone on interstates, expressways,
federal-aid primary highways and the State Highway System
for outdoor advertising signs; authorizing the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. 273

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Local Government
2 Representative Mayfield offered the following:

4 **Amendment (with title amendment)**

5 Remove line 52 and insert:

6 sign; provided, however, the governmental entity or other party
7 allegedly violating this subsection shall be given 90 days
8 written notice by the sign owner of such alleged violation and
9 no penalty shall be assessed if the alleged violation is cured
10 by the governmental entity or other party within the 90 day
11 period. Any modifications or removal of material within a
12 beautification project or other planting by the governmental
13 entity or other party to cure an alleged violation shall not
14 require the issuance of a permit from the Department of
15 Transportation provided not less than 48 hours notice is
16 provided to the department of the modification or removal of the
17 material. A natural person, private corporation or private
18 partnership licensed under Chapter 481, Part II, providing
19 design services for beautification or other projects shall not
20 be subject to penalty under this section, when the initial
21 project design meets the requirements of this section.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

22

23

===== T I T L E A M E N D M E N T =====

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Remove line 12 and insert:

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values for violation of view zone requirements; providing

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exemptions from such payment requirement; amending

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. 273

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER ___

Council/Committee hearing bill: Local Government
Representative Mayfield offered the following:

Amendment (with title amendment)

Remove line(s) 77 - 87 and insert:
forth in the Florida Building Code. If an increase in the height
of a sign as permitted under this section will violate a
provision contained in an ordinance or land development
regulation of a local government or local jurisdiction, the
provisions of such ordinance or regulation notwithstanding, the
local government or local jurisdiction shall have the authority
to choose by resolution one of the following options:

(1) Issuance of a permit by variance or otherwise for the
reconstruction of a sign under this section;

(2) Allow the relocation of a sign, or construction of
another sign, at an alternative location if the sign owner
agrees to relocate the sign or construct another sign;

(3) Refuse to issue the required permits for
reconstruction of a sign under this section and pay fair market
value of the sign and its associated interest in the real
property to the owner of the sign; or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

22 (4) Notify the department that application of this section
23 will violate a provision contained in an ordinance or land
24 development regulation of the local government or local
25 jurisdiction and that the local government or local jurisdiction
26 prohibits the installation of the noise-attenuation barrier to
27 the extent the barrier screens or blocks visibility of the sign,
28 whereby the department shall not permit or erect the noise-
29 attenuation barrier to the extent the barrier screens or blocks
30 visibility of the sign ~~visibility screen, or other highway~~
31 ~~improvement.~~

32
33 ===== T I T L E A M E N D M E N T =====

34 Remove line(s) 21 - 23 and insert:

35 contrary; providing local governments or local
36 jurisdictions authority to resolve conflicts with local
37 ordinances or land development regulations; providing an
38 effective

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Amendment No. 4

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	<u>✓</u> (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	

Representative Mayfield offered the following:

Section 3. This act shall not apply to any existing settlement agreement executed before the effective date of this act between any local government and the owner of an outdoor advertising sign.

issue a reconstruction permit; providing this act does not apply to any existing settlement agreement between any local government and the owner of an outdoor advertising sign; providing an effective

h273.amd.lgc.4

COUNCIL MEETING REPORT

Local Government Council

2/22/2006 1:00:00PM

Location: 404 HOB

HB 333 : Public Food Service Establishments

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows			X		
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Dogs in Public Food Service Establishments

Kathy Russell (Lobbyist) - Proponent

City of Orlando

400 S Orange Avenue

Orlando FL 32801

Phone: 407-383-2075

Dogs in Public Food Service Establishments

Richard Turner (Lobbyist) - Opponent

Florida Restaurant & Lodging Association

230 S Adams

Tallahassee FL 32301

Phone: 224-2250

Dogs in Public Food Service Establishments

Fred Leonhardt (Lobbyist) - Proponent

City of Orlando

301 E Pine Street

Orlando FL 32801

Phone: 407-244-5655

Dogs in Public Food Service Establishments

John McBride (Lobbyist) (State Employee) - Proponent

DBPR

1940 N Monroe Street

Tallahassee FL 32399

Phone: 488-4827

Committee meeting was reported out: Wednesday, February 22, 2006 5:30:33PM

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Local Government
Representative McInvale offered the following:

Amendment

Remove everything after the enacting clause and insert:

Section 1. FINDINGS AND INTENT.--

(1) The Legislature finds and declares the following:

(a) Chapter 509, Florida Statutes, requires the division of hotels and restaurants to carry out all laws and rules relating to the inspection and regulation of public food service establishments for the purpose of safeguarding the public health, safety, and welfare.

(b) Section 509.013(5), Florida Statutes, defines the term "public food service establishment" as "any building, vehicle, place, or structure, or any room or division of a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption."

(c) Section 509.032, Florida Statutes, requires the division of hotels and restaurants to adopt and enforce such

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

24 rules as are necessary to ensure the protection of the public
25 from food-borne illness in public food service establishments.

26 (d) Section 509.032, Florida Statutes, further requires
27 the division of hotels and restaurants to adopt such rules in
28 order to "provide the standards and requirements for obtaining,
29 storing, preparing, processing, serving, or displaying food in
30 public food service establishments, approving the public food
31 service establishment facility plans, conducting necessary
32 public food service establishment inspections for compliance
33 with sanitation regulations, cooperating and coordinating with
34 the Department of Health in epidemiological investigations, and
35 initiating enforcement actions, and for other such
36 responsibilities deemed necessary by the division."

37 (e) Pursuant to the grant of rulemaking authority cited in
38 section 509.032, Florida Statutes, the division of hotels and
39 restaurants has adopted by rule sanitation and safety
40 requirements of public food service establishments, including
41 requirements relating to physical facilities, which adopts by
42 reference certain portions of FDA Food Code, as amended from
43 time to time, as developed by the Food and Drug Administration
44 of the United States Department of Health and Human Services.

45 (f) The FDA Food Code, generally prohibits live animals
46 from public food service establishments.

47 (g) Section 509.032(7), Florida Statutes, expressly
48 preempts to the state regulation of public lodging
49 establishments and public food service establishments for
50 compliance with the sanitation standards adopted by the division
51 of hotels and restaurants.

52 (h) Section 509.032(7), Florida Statutes, expressly limits
53 the general home rule powers of local governments as it relates
54 to the regulation of public food service establishments.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

(i) The purpose of this bill is to allow participating municipalities to enact an ordinance establishing procedures by which public food service establishments could become exempt from certain portions of the FDA Food Code, and allow patrons' dogs within certain designated outdoor portions of their respective establishments.

(2) It is therefore the intent of the Legislature by this section to establish a 3-year pilot program for municipalities to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

Section 2. Section 509.233, Florida Statutes, is created to read:

509.233 Public food service establishment requirements; local exemption for dogs in designated outdoor portions; pilot program.--

(1) LOCAL EXEMPTION AUTHORIZED.-- Notwithstanding section 509.032(7), Florida Statutes, the governing body of a municipality participating in the pilot program is authorized to establish, by ordinance, a local exemption procedure to certain provisions of the FDA Food Code, as currently adopted by the division, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(2) LOCAL DISCRETION; CODIFICATION.--

(a) The adoption of the local exemption procedure shall be at the sole discretion of the governing body of a participating municipality. Nothing in this section shall be construed to require or compel a municipal governing body to adopt an ordinance pursuant to this section.

(b) Any ordinance adopted pursuant to this section shall provide for codification within the land development code of a participating municipality.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

(3) LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.--

(a) Any local exemption procedure adopted pursuant to this section shall only provide a variance to those portions of the currently adopted FDA Food Code in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(b) In order to protect the health, safety, and general welfare of the public, the local exemption procedure shall require participating public food service establishments to apply for and receive a permit from the governing body of the municipality before allowing patrons' dogs on their premises. The municipality shall require such information from the applicant as the municipality deems reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:

1. Name, location, and mailing address of the public food service establishment.

2. Name, mailing address, and telephone contact information of the permit applicant.

3. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public right-of-way, including sidewalks and common pathways; and such other information reasonably required by the permitting authority. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

118 4. A description of the days of the week and hours of
119 operation that patrons' dogs will be permitted in the designated
120 outdoor area.

121 (c) In order to protect the health, safety, and general
122 welfare of the public, the local exemption ordinance shall
123 include such regulations and limitations as deemed necessary by
124 the participating municipality and shall include, but not be
125 limited to, the following requirements:

126 1. All public food service establishment employees shall
127 wash their hands promptly after touching, petting, or otherwise
128 handling dogs. Employees shall be prohibited from touching,
129 petting, or otherwise handling dogs while serving food or
130 beverages or handling tableware or before entering other parts
131 of the food service establishment.

132 2. Patrons in a designated outdoor area shall be advised
133 that they should wash their hands before eating. Waterless hand
134 sanitizer shall be provided at all tables in the designated
135 outdoor area.

136 3. Employees and patrons shall be instructed that they
137 shall not allow dogs to come into contact with serving dishes,
138 utensils, tableware, linens, paper products, or any other items
139 involved with food service operations.

140 4. Patrons shall keep their dogs on a leash at all times
141 and shall keep their dogs under reasonable control.

142 5. Dogs shall not be allowed on chairs, tables, or other
143 furnishings.

144 6. All table and chair surfaces shall be cleaned and
145 sanitized with an approved product between seating of patrons.
146 Spilled food and drink shall be removed from the floor or ground
147 between seating of patrons.

148 7. Accidents involving dog waste shall be cleaned
149 immediately and the area sanitized with an approved product. A

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

150 kit with the appropriate materials for this purpose shall be
151 kept near the designated outdoor area.

152 8. A sign or signs reminding employees of the applicable
153 rules shall be posted on premises in a manner and place as
154 determined by the local permitting authority.

155 9. A sign or signs reminding patrons of the applicable
156 rules shall be posted on premises in a manner and place as
157 determined by the local permitting authority.

158 10. A sign or signs shall be posted in a manner and place
159 as determined by the local permitting authority that places the
160 public on notice that the designated outdoor area is available
161 for the use of patrons and patrons' dogs.

162 11. Dogs shall not be permitted to travel through indoor
163 or non-designated outdoor portions of the food service
164 establishment.

165 (d) A permit issued pursuant to this section shall not be
166 transferred upon the sale of a public food service establishment
167 to the subsequent owner, but shall expire automatically upon the
168 sale of said establishment. The subsequent owner shall be
169 required to reapply for a permit pursuant to this section if the
170 subsequent owner wishes to continue to accommodate patrons'
171 dogs.

172 (4) POWERS; ENFORCEMENT.--Participating municipalities
173 shall have such powers as are reasonably necessary to regulate
174 and enforce the provisions of this section.

175 (5) STATE AND LOCAL COOPERATION.--The division shall
176 provide reasonable assistance to participating municipalities in
177 the development of enforcement procedures and regulations and
178 participating municipalities shall monitor permit holders for
179 compliance in cooperation with the division. At a minimum,
180 participating municipalities shall establish a procedure to
1 accept, document, and respond to complaints, and to timely

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

182 report such complaints, and the participating municipalities'
183 enforcement response to such complaints, to the division. A
184 participating municipality shall provide the division with a
185 copy of all approved applications and permits issued, and the
186 participating municipality shall require that all applications,
187 permits, and other related materials contain the appropriate
188 division-issued license number for each food service
189 establishment.

190 (6) FUTURE REVIEW AND REPEAL.--This section shall expire
191 July 1, 2009, unless reviewed and saved from repeal through
192 reenactment by the Legislature.

193 Section 3. This act shall take effect July 1, 2006.
194
195

COUNCIL MEETING REPORT

Local Government Council

2/22/2006 1:00:00PM

Location: 404 HOB

HB 341 : Citrus/Hernando Waterways Restoration Council

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 22, 2006 5:30:33PM

COUNCIL MEETING REPORT

Local Government Council

2/22/2006 1:00:00PM

Location: 404 HOB

HB 479 : Pasco County

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 22, 2006 5:30:33PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 479

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Local Government
2 Representative Littlefield offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Be It Enacted by the Legislature of the State of Florida:

8 Section 1. This act may be cited as the "Lake Padgett
9 Estates Independent Special District Act."

10 Section 2. Definitions; policy.--

11 (1) DEFINITIONS.--As used in this act:

12 (a) "Assessable improvements" means, without limitation,
13 any and all improvements and community facilities that the
14 district is empowered to provide in accordance with this act
15 that provide a special benefit to property within the district.

16 (b) "Assessments" means those nonmillage district
17 assessments that include special assessments and maintenance
18 special assessments.

19 (c) "Board of supervisors" or "board" means the governing
20 board of the district after all members of the board of
21 supervisors have been elected pursuant to the provisions of
22 section 4 5 or, if such board has been abolished, the board,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

body, or commission assuming the principal functions thereof or to whom the powers given to the board by this act have been given by law.

(d) "Cost" or "costs," when used with reference to any project, includes, but is not limited to:

1. The expenses of determining the feasibility or practicability of acquisition, construction, or reconstruction.

2. The cost of surveys, estimates, plans, and specifications.

3. The cost of maintenance, operations, and improvements.

4. Engineering, fiscal, and legal expenses and charges.

5. The cost of all labor, materials, machinery, and equipment.

6. The cost of all lands, properties, rights, easements, and franchises acquired.

7. Financing charges.

8. The creation of initial reserve and debt service funds.

9. Working capital.

10. Interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such reasonable period of time after completion of construction or acquisition as the board may determine.

11. The cost of any tax referendum held pursuant to this act.

12. Administrative expenses.

13. Such other expenses as may be necessary or incidental to the acquisition, construction, or reconstruction of any project, to the financing thereof, or to the development of any lands within the district.

14. Payments, contributions, dedications, and any other

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

54 exactions required as a condition of receiving any governmental
55 approval or permit necessary to accomplish any district purpose.

56 (e) "District" means the Lake Padgett Estates Independent
57 Special District.

58 (f) "District recreational amenities and associated
59 infrastructure" means all existing and future parks, open-space
60 areas, lakes, signage, structures, and future improvements of
61 all kinds to said amenities located within the district.

62 (g) "Initial governing board" means the Pasco County Board
63 of Commissioners, which shall govern the district until the
64 election of the board of supervisors pursuant to section 4 5.

65 (h) "Lake Padgett Estates Independent Special District"
66 means the unit of special and single-purpose local government
67 created and chartered by this act, including the creation of its
68 charter, and limited to the performance, in implementing its
69 single purpose, of those general and special powers authorized
70 by its charter under this act, the boundaries of which are set
71 forth by the act, the governing head of which is created and
72 authorized to operate with legal existence by this act, and the
73 purpose of which is as set forth in this act.

74 (i) "Landowner" means the owner of a freehold estate as it
75 appears on the deed record, including a trustee, a private
76 corporation, and an owner of a condominium unit. "Landowner"
77 does not include a reversioner, remainderman, mortgagee, or any
78 governmental entity, who shall not be counted and need not be
79 notified of proceedings under this act. "Landowner" also means
80 the owner of a ground lease from a governmental entity, which
81 leasehold interest has a remaining term, excluding all renewal
82 options, in excess of 50 years.

83 (j) "Maintenance special assessments" means assessments
84 imposed, levied, and collected pursuant to the provisions of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

85 section 6 7.

86 (k) "Non-ad valorem assessment" means only those
87 assessments which are not based upon millage and which can
88 become a lien against a homestead as permitted in s. 4, Art. X
89 of the State Constitution.

90 (l) "Powers" means powers used and exercised by the board
91 of supervisors to accomplish the single, limited, and special
92 purpose of the district, including:

93 1. "General powers," which means those organizational and
94 administrative powers of the district as provided in this
95 charter in order to carry out its single special purpose as a
96 local government public corporate body politic.

97 2. "Special powers," which means those powers enumerated
98 by the district charter to maintain, operate, and improve
99 recreational amenities and associated infrastructure and related
100 functions in order to carry out its single specialized purpose.

101 3. Any other powers, authority, or functions set forth in
102 this act.

103 (m) "Project" means any improvement, property, facility,
104 enterprise, service, works, or infrastructure now existing or
105 hereafter undertaken or established under the provisions of this
106 act.

107 (n) "Qualified elector" means any registered voter
108 residing within the district boundaries.

109 (o) "Signage" means any entranceway signage or features
110 and all signage within the district associated with the
111 recreational amenities of the district.

112 (p) "Special assessments" means assessments as imposed,
113 levied, and collected by the district for the costs of
114 assessable improvements pursuant to the provisions of this act,
115 chapter 170, Florida Statutes, and the additional authority

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

under section 197.3631, Florida Statutes, or other provisions of
general law, now or hereinafter enacted, which provide or
authorize a supplemental means to impose, levy, or collect
special assessments.

(g) "Taxes" or "tax" means those levies and impositions,
authorized by a vote of the qualified electors of the district,
of the board of supervisors that support and pay for government
and the administration of law and that may be ad valorem or
property taxes based upon both the appraised value of property
and millage at a rate uniform within the jurisdiction.

(2) POLICY.--Based upon its findings, ascertainments,
determinations, intent, purpose, and definitions, the
Legislature states its policy expressly:

(a) The district and the district charter, as created in
this act, with its general and special powers, are essential and
the best alternative for maintaining, operating, and improving
the recreational amenities and associated infrastructure in the
district.

(b) The district, which is a local government and a
political subdivision, is limited to its special purpose as
expressed in this act, with the power to maintain, operate,
improve, and finance as a local government management entity its
recreational amenities and associated infrastructure and
services, and possess financing powers to fund its management
power over the long term and with sustained levels of high
quality.

(c) The creation of the Lake Padgett Estates Independent
Special District by and pursuant to this act, and its exercise
of its management and related financing powers to implement its
limited, single, and special purpose, is not a development order
and does not trigger or invoke any provision within the meaning

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of chapter 380, Florida Statutes, and all applicable
governmental planning, environmental, and land development laws,
regulations, rules, policies, and ordinances apply to all
development of the land within the jurisdiction of the district
as created by this act.

Section 3. Legal description of the Lake Padgett Estates
Independent Special District.--The metes and bounds legal
description of the district is as follows:

A portion of Sections 19, 20 & 30, Township 26 South,
Range 19 East, Pasco County, Florida being described
as follows:

Begin at the Northwest corner of said Section 19, run
thence South 00°43'18" West, along the West line of
said Section 19, a distance of 5,119.41 feet; Thence
South 88°50'58" East, a distance of 1,102.22 feet;
Thence South 00°51'34" West, a distance of 100.01
feet; thence South 88°51'24" East, along the South
line of said Section 19, a distance of 181.42 feet;
Thence South 18°44'16" East, a distance of 526.27
feet; to the West line of the Northeast 1/4 of the
Northwest 1/4 of Section 30, Township 26 South, Range
19 East; thence South 01°14'05" West, along the West
line of the Northeast 1/4 of the Northwest 1/4 of said
Section 30, a distance of 823.69 feet to the South
line of the Northeast 1/4 of the Northwest 1/4 of said
Section 30, run thence South 88°59'33" East, a
distance of 1343.37 feet; to the West line of Park
Tract of Lake Padgett Estates South Unit Two as
recorded in Plat Book 13, Pages 137-139 of the Public

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Records of Pasco County, Florida, also being the West
Boundary of the Northwest 1/4 of the Northeast 1/4 of
said Section 30; Thence North 00°49'49" East along
said West line, a distance of 1,315.26 feet to the
South line of said Section 19, also being the South
boundary line of Valencia Gardens Phase Three as
recorded; Thence North 88°47'25" West along said South
line of Section 19, a distance of 11.84 feet to the
West boundary of said Valencia Gardens Phase Three,
Thence run North 00°16'12" East along said West
boundary of Valencia Gardens Phase Three, a distance
of 1,317.39 feet to the North boundary of said
Valencia Gardens Phase Three; Thence South 88°44'56"
East along said North boundary of Valencia Gardens
Phase Three, a distance of 2,662.48 feet; Thence South
89°27'44" East, a distance of 651.97 feet to the West
line of the right-of-way of Collier Parkway as
recorded in the Official Records Book 1824, Page 1234;
Thence run North 05°16'09" East along said West Line
of the right-of-way of Collier Parkway, a distance of
297.38 feet; Thence North 86°18'32" West, a distance
of 66.02 feet; Thence North 89°42'44" West to the
Westerly Boundary of Collier Place as recorded in Plat
Book 35, Pages 37-39 of the Public Records of Pasco
County, Florida, a distance of 817.90 feet; Thence
North 27°08'25" West, a distance of 88.63 feet; Thence
North 00°25'14" East, a distance of 391.01 feet;
Thence North 37°00'57" East, a distance of 520.22
feet; Thence North 35°41'05" East, a distance of
138.96 feet; Thence North 00°57'10" East, a distance
of 379.43; Thence North 50°28'38" East, a distance of

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205.65 feet; Thence North 00°40'29" East, a distance
of 106.14 feet; Thence North 45°39'30" West, a
distance of 348.39 feet; Thence North 89°41'20" West,
a distance of 598.63 feet; Thence South 00°55'00"
West, a distance of 100.01 feet; Thence North
89°20'18" West, a distance of 1,255.51 feet; Thence
N00°54'33 East, a distance of 1270.03 feet; Thence
South 89°17'01" East, a distance of 99.98 feet; Thence
North 00°55'14" East, a distance of 150.02 feet to the
North line of Section 19, Township 26 South, Range 19
East; Thence along said North line of said Section 19
North 88°42'23" West, a distance of 155.04 feet;
Thence South 00°13'06" West, a distance of 49.87 feet;
Thence North 89°34'34" West, a distance of 50.00 feet;
Thence North 00°17'06" East, a distance of 50.25 feet
to North line of said Section 19; Thence along the
North line of said Section 19 North 89°11'04" West, a
distance of 3,455.90 feet; Thence North 89°27'48"
West; a distance of 13.88 feet to the POINT OF
BEGINNING.

AND

A portion of Sections 24 & 25, Township 26 South,
Range 18 East, Pasco County, Florida being described
as follows:

Begin at the Northwest corner of Section 19 Township
26 South, Range 19 East, run thence South 00°43'18"
West, along the West line of said Section 19, a
distance of 5,097.53 feet; to the South line of

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240 Section 24, Township 26 South, Range 18 East also
241 being the North line of Section 25, Township 26 South,
242 Range 18 East, Thence run along South line of said
243 Section 24, North 89°29'16" West, a distance of
244 1,672.72 feet; Thence South 00°24'04" West; a distance
245 of 659.90 feet; Thence South 89°24'42" East, a
246 distance of 328.18 feet; Thence South 00°20'51" West,
247 a distance of 329.89 feet; Thence North 89°23'22 West,
248 a distance of 656.92 feet; Thence North 00°26'49"
249 East, a distance of 989.53 feet to the South line of
250 said Section 24, also being the said North line of
251 said Section 25; Thence run along North 89°29'16"
252 West, a distance of 655.25 feet; Thence North
253 01°20'40" East; a distance of 1,998.05 feet to the
254 South line of the Northwest 1/4 of the North 1/4 of
255 the Southeast 1/4 of Section 24, Township 26 South,
256 Range 18 East; thence along the said South line South
257 89°09'28" East, a distance of 688.44 feet to the East
258 line of the said Northwest 1/4; Thence along said East
259 line North 01°19'43" East, a distance of 664.55 feet
260 to the South line of the Northeast 1/4 of Section 24,
261 Township 26 South, Range 18 East to the West line of
262 the East ½ of the Northeast 1/4 of Section 24,
263 Township 26 South, Range 18 East; Thence S 88°56'38"
264 East, a distance of 651.04 feet; thence along said
265 West line North 00°39'22" East, a distance of 1,326.47
266 feet; Thence South 88°45'13" East, a distance of
267 626.59 feet; Thence North 00°40'31 East, a distance of
268 695.05 feet; Thence South 88°34'46" East, a distance
269 of 25.01 feet; Thence North 00°40'23" East, a distance
270 of 600.91 feet the North line of Section 24, Township

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26 South, Range 18 East; Thence along said North line
South 88°45'18 East, a distance of 655.33 feet; Thence
South 01°48'11" West, a distance of 160.83 feet;
Thence North 89°27'48" West, a distance of 13.88 feet
to the POINT OF BEGINNING.

Containing 33,768,142 square feet or 775.21 acres more
or less.

Section 4. Initial governing board; board of supervisors;
members and meetings; organization; powers; duties; terms of
office; related election requirements.--

(1)(a) Upon the effective date of this act, the Pasco
County Board of Commissioners shall become the initial governing
board of the district and remain so until the succeeding board
of supervisors is elected at the general election of November
2006 as provided for in this section. ~~The transition process~~
~~described herein is intended to be in lieu of the process set~~
~~forth in section 189.4051, Florida Statutes.~~

(b) The governing board may exercise the following powers:

1. Levy annual assessments not to exceed \$250 per parcel
lying within the district.

2. Accept the transfer of property owned by Pasco County
and lying within the boundaries of the district as same is
transferred to the district from Pasco County.

3. Maintain and operate the recreational amenities and
associated infrastructure of the district.

4. Approve and adopt a budget for the fiscal year 2006-
2007.

5. Accept the transfer of all Lake Padgett Estates
Municipal Service Unit funds and assets purchased with said fund

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302 moneys held by Pasco County as same is transferred to the
303 district from Pasco County.

304 (2)(a) The board of supervisors shall exercise the powers
305 granted to the district pursuant to this act. The board shall
306 consist of five members, each of whom shall hold office for a
307 term of 2 years or until a new board is elected by the qualified
308 electors of the district at the general election in November
309 every 2 years. Members of the board must be citizens of the
310 United States and qualified electors residing within the
311 district.

312 (b) Elections of board members by qualified electors held
313 pursuant to this subsection shall be conducted by the supervisor
314 of elections and comply with the Florida Election Code, chapters
315 97-106 and chapter 189, Florida Statutes, and the Rules of the
316 Division of Elections. Board members shall assume office on the
317 second Tuesday following their election.

318 (3) Members of the board of supervisors shall be known as
319 supervisors and, upon entering into office, shall take and
320 subscribe to the oath of office as prescribed by section 876.05,
321 Florida Statutes. Members of the board shall be subject to
322 ethics and conflict of interest laws of the state that apply to
323 all local public officers. They shall hold office for terms of 2
324 years each and until their successors are chosen and qualified.
325 If, during the term of office, a vacancy occurs, the remaining
326 members of the board shall fill each vacancy by an appointment
327 for the remainder of the unexpired term.

328 (4) Any member of the board of supervisors may be removed
329 by the Governor for malfeasance, misfeasance, dishonesty,
330 incompetency, or failure to perform the duties imposed upon him
331 or her by this act, and any vacancies that may occur in such
332 office for such reasons shall be filled by the Governor as soon

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333 as practicable.

334 (5) A majority of the members of the board constitutes a
335 quorum for the purposes of conducting its business and
336 exercising its powers and for all other purposes. Action taken
337 by the district shall be upon a vote of a majority of the
338 members present, but not less than three votes, unless general
339 law or a rule of the district requires a greater number.

340 (6) As soon as practicable after each election, but by the
341 first Monday in December, the board shall organize by electing
342 one of its members as chair and one of its members as vice
343 chair, and by electing a secretary, who need not be a member of
344 the board, and such other officers as the board may deem
345 necessary. Business of the board shall be conducted pursuant to
346 Robert's Rules of Order and the chair's powers shall be as
347 described in said rules.

348 (7) The board shall keep a permanent record book entitled
349 "Record of Proceedings of Lake Padgett Estates Independent
350 Special District," in which shall be recorded minutes of all
351 meetings, resolutions, proceedings, bonds given by all
352 employees, and any and all corporate acts. The record book and
353 all other district records shall at reasonable times be opened
354 to inspection in the same manner as state, county, and municipal
355 records pursuant to chapter 119, Florida Statutes. The record
356 book shall be kept at the office or other regular place of
357 business maintained by the board in a designated location within
358 the district.

359 (8) Each member of the board shall be entitled to receive
360 for his or her services an amount not to exceed \$50 per meeting
361 of the board of supervisors, not to exceed \$1,200 per year per
362 member, or an amount established by the district's qualified
363 electors at referendum. In addition, each member shall receive

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travel and per diem expenses as set forth in section 112.061, Florida Statutes.

(9) All meetings of the board shall be open to the public and governed by the provisions of chapter 286, Florida Statutes.

(10) The board shall, by December 31, 2006, enter into intergovernmental agreements, as authorized by chapter 163, Florida Statutes, with the Pasco County Property Appraiser and the Pasco County Tax Collector for the assessment, collection, and distribution of ad valorem taxes, special assessments, and maintenance special assessments as may be imposed by the board pursuant to this act.

Section 5. Board of supervisors; administrative duties; general and special powers.--

(1) DISTRICT MANAGER, EMPLOYEES, AND TREASURER.--The board may employ and fix the compensation of a district manager, employees, and a treasurer pursuant to the requirements of section 190.007, Florida Statutes.

(2) PUBLIC DEPOSITORY.--The board is authorized to select as a depository for its funds any qualified public depository as defined in section 280.02, Florida Statutes, which meets all the requirements of chapter 280, Florida Statutes.

(3) BUDGET; REPORTS AND REVIEWS.--

(a) The district shall provide financial reports in such form and such manner as prescribed pursuant to this act, chapters 189 and 218, Florida Statutes, and section 190.008, Florida Statutes.

(b) On or before July 15 of each year, the district manager shall prepare a proposed budget for the ensuing fiscal year to be submitted to the board for board approval. The proposed budget shall include at the direction of the board an estimate of all necessary expenditures of the District for the

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395 ensuing fiscal year and an estimate of income to the District
396 from the taxes and assessments provided in this act. The board
397 shall consider the proposed budget item by item and may either
398 approve the budget as proposed by the district manager or modify
399 the same in part or in whole. The board shall indicate its
400 approval of the budget by resolution, which resolution shall
401 provide for a hearing on the budget as approved. Notice of the
402 hearing on the budget shall be published in a newspaper of
403 general circulation in the area of the District once a week for
404 2 consecutive weeks, except that the first publication shall be
405 not fewer than 15 days prior to the date of the hearing. The
406 notice shall further contain a designation of the day, time, and
407 place of the public hearing. At the time and place designated in
408 the notice, the board shall hear all objections to the budget as
409 proposed and may make such changes as the board deems necessary.
410 At the conclusion of the budget hearing, the board shall, by
411 resolution, adopt the budget as finally approved by the board.
412 The budget shall be adopted prior to October 1 of each year.

413 (c) At least 60 days prior to adoption, the Board of
414 Supervisors of the District shall submit to the Pasco County
415 Board of County Commissioners, for purposes of disclosure and
416 information only, the proposed annual budget for the ensuing
417 fiscal year, and each Board of County Commissioners may submit
418 written comments to the Board of Supervisors solely for the
419 assistance and information of the Board of Supervisors of the
420 District in adopting its annual District budget.

421 (4) DISCLOSURE OF PUBLIC FINANCING.--The district shall
422 take affirmative steps to provide for the full disclosure of
423 information relating to the public financing of the maintenance,
424 operation, and improvement of the recreational amenities and
425 associated infrastructure undertaken by the district. Such

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information shall be made available to all existing residents and all prospective residents of the district. The district shall furnish each landowner within the district a copy of that information.

(5) GENERAL POWERS.--The district shall have, and the board may exercise, the general powers as provided for in section 190.011, Florida Statutes, where not inconsistent with the following:

(a) To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts shall be subject to public bidding or competitive negotiation requirements as set forth in general law applicable to independent special districts.

(b) To maintain an office at such place or places as the board of supervisors designates in Pasco County, and within the district when facilities are available.

(c) To borrow money and issue certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such taxes and assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.

(d) To determine, order, levy, impose, collect, and enforce assessments pursuant to this act and chapter 170, Florida Statutes, pursuant to authority granted in section 197.3631, Florida Statutes, or pursuant to other provisions of general law which provide or authorize a supplemental means to order, levy, impose, or collect special assessments. Such special assessments, in the discretion of the district, may be collected and enforced pursuant to the provisions of sections 197.3632 and 197.3635, Florida Statutes, and chapters 170 and 173, Florida Statutes, or as provided by this act, or by other

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means authorized by general law now or hereinafter enacted.

(e) To exercise such special powers and other express powers as may be authorized and granted by this act in the charter of the district, including powers as provided in any interlocal agreement entered into pursuant to chapter 163, Florida Statutes.

(f) The district shall not have the power of eminent domain.

(6) SPECIAL POWERS.--The district shall have, and the board may exercise, the following special powers to implement its lawful and special purpose and to provide, pursuant to that purpose, recreational amenities and to operate, maintain, and improve said amenities and associated infrastructure, each of which constitutes a lawful public purpose when exercised pursuant to this charter, subject to, and not inconsistent with, the regulatory jurisdiction and permitting authority of all other applicable governmental bodies, agencies, and any special districts having authority with respect to any area included therein, and to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, finance, fund, and maintain improvements, systems, facilities, services, works, projects, and infrastructure. Any or all of the following special powers are granted by this act in order to implement the special purpose of the district:

(a) To provide district parks and open space and the continued maintenance, operation, and improvement thereof. This special power includes, but is not limited to, passive and active recreational areas, lakes, and canals, containing picnic shelters, boat ramps and docks, volleyball, basketball, tennis, horseshoe, and shuffleboard courts, playgrounds and open space, wildlife habitat, including the maintenance of any plant or

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488 animal species, mitigation areas, landscaping and irrigation,
489 bicycle lanes, jogging paths, riding trails, regulatory or
490 informational signage, and all other customary elements of such
491 park and open-space areas and any related interest in real or
492 personal property.

493 (b) To provide buildings, structures, and like
494 improvements and the continued maintenance, operation, and
495 improvement thereof. This special power includes, but is not
496 limited to, bathroom facilities, maintenance buildings, lighting
497 and security facilities such as walls and guardhouses, parking
498 areas, wildlife observation towers, stables, and stormwater
499 facilities necessary and incidental to the recreational
500 amenities, and associated infrastructure or any other project
501 authorized or granted by this act.

502 (c) To establish and create, at noticed meetings, such
503 governmental departments of the board of supervisors of the
504 district, as well as committees, task forces, boards, or
505 commissions, or other agencies under the supervision and control
506 of the district, as from time to time the members of the board
507 may deem necessary or desirable in the performance of the acts
508 or other things necessary to exercise the board's general or
509 special powers to implement an innovative project to carry out
510 the special purpose of the district as provided in this act and
511 to delegate the exercise of its powers to such departments,
512 boards, task forces, committees, or other agencies and such
513 administrative duties and other powers as the board may deem
514 necessary or desirable, but only if there is a set of expressed
515 limitations for accountability, notice, and periodic written
516 reporting to the board that shall retain the powers of the
517 board.

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519 The enumeration of special powers herein shall not be deemed
520 exclusive or restrictive but shall be deemed to incorporate all
521 powers express or implied necessary or incident to carrying out
522 such enumerated special powers, including also the general
523 powers provided by this charter to the district to implement its
524 single purpose. Further, the provisions of this subsection shall
525 be construed liberally in order to carry out effectively the
526 special purpose of this district under this act.

527 Section 6. Borrowing; revenue.--

528 (1) BORROWING.--The district at any time may obtain loans,
529 in such amount and on such terms and conditions as the board may
530 approve, for the purpose of paying any of the expenses of the
531 district or any costs incurred or that may be incurred in
532 connection with any of the projects of the district, which loans
533 shall bear interest as the board determines, not to exceed the
534 maximum rate allowed by general law, and may be payable from and
535 secured by a pledge of such funds, revenues, taxes, and
536 assessments as the board may determine. For the purpose of
537 defraying such costs and expenses, the district may issue
538 negotiable notes, warrants, or other evidences of debt to be
539 payable at such times and to bear such interest as the board may
540 determine, not to exceed the maximum rate allowed by general
541 law, and to be sold or discounted at such price or prices not
542 less than 95 percent of par value and on such terms as the board
543 may deem advisable. The board shall have the right to provide
544 for the payment thereof by pledging the whole or any part of the
545 funds, revenues, taxes, and assessments of the district. The
546 approval of the electors residing in the district shall not be
547 necessary except when required by the State Constitution.

548 (2) AD VALOREM TAXES; ASSESSMENTS, MAINTENANCE SPECIAL
549 ASSESSMENTS, AND SPECIAL ASSESSMENTS.--

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50 (a) Ad valorem taxes.--The board of supervisors shall have
551 the power to levy and assess an ad valorem tax on all the
552 taxable property in the district to maintain, operate, and
553 perform improvements of recreational amenities and associated
554 infrastructure. An ad valorem tax levied by the board for
555 operating purposes shall not exceed 3 mills. The ad valorem tax
556 provided for herein shall be in addition to county and all other
557 ad valorem taxes provided for by law. Such tax shall be
558 assessed, levied, and collected in the same manner and at the
559 same time as county taxes and as provided for by the
560 intergovernmental agreements required in section 4 of this act.
561 The levy of ad valorem taxes must be approved by referendum as
562 required by Section 9 of Article VII of the State Constitution.

563 (b) Enforcement of taxes.--The collection and enforcement
564 of all taxes levied by the district shall be at the same time
565 and in like manner as county taxes; and the provisions of the
566 laws of the state relating to the sale of lands for unpaid and
567 delinquent county taxes, the issuance, sale, and delivery of tax
568 certificates for such unpaid and delinquent county taxes, the
569 redemption thereof, the issuance to individuals of tax deeds
570 based thereon, and all other procedures in connection therewith
571 shall be applicable to the district to the same extent as if
572 such statutory provisions were expressly set forth herein. All
573 taxes shall be subject to the same discounts as county taxes.
574 All taxes provided for in this act shall become delinquent and
575 bear penalties on the amount of such taxes in the same manner as
576 county taxes.

577 (c)1. Maintenance special assessments.--To maintain and
578 preserve the recreational amenities and associated
579 infrastructure of the district, the board may levy a maintenance
580 special assessment.

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581 2. Special assessments.--To operate and improve the
582 recreational amenities and associated infrastructure of the
583 district, the board may levy a special assessment.

584
585 Assessment may be evidenced to and certified to the property
586 appraiser by the board of supervisors by a date each year as
587 determined by interlocal agreement and shall be entered by the
588 property appraiser on the county tax rolls and shall be
589 collected and enforced by the tax collector in the same manner
590 and at the same time as county taxes, and the proceeds therefrom
591 shall be paid to the district. However, this subsection shall
592 not prohibit the district in its discretion from using a method
593 prescribed in section 197.363, section 197.3631, section
594 197.3632, or section 197.3635, Florida Statutes, or chapter 173,
595 Florida Statutes, for collecting and enforcing these
596 assessments. These maintenance special assessments shall be a
597 lien on the property against which assessed until paid and shall
598 be enforceable in like manner as county taxes. The amount of the
599 maintenance special assessment for the exercise of the
600 district's powers under this section shall be determined by the
601 board based upon a report of the district's engineer and
602 assessed by the board upon such lands, which shall be all of the
603 lands within the district benefited by the maintenance thereof,
604 apportioned between the benefited lands in proportion to the
605 benefits received by each tract of land.

606 (d) Land owned by governmental entity.--Except as
607 otherwise required by law, the district shall not levy ad
608 valorem taxes or non-ad valorem assessments under this act or
609 chapter 170 or chapter 197, Florida Statutes, on property of a
610 governmental entity located within the district.

611 (3) TAX LIENS; PAYMENT OF TAXES AND REDEMPTION OF TAX

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12 LIENS BY THE DISTRICT; SHARING IN PROCEEDS OF TAX SALE;
613 FORECLOSURE OF LIENS.--The foregoing shall be as prescribed in
614 sections 190.024, 190.025, and 190.026, Florida Statutes, and
615 subject to all other requirements of law.

616 (4) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION AND
617 MODIFICATIONS.--The district is authorized to prescribe, fix,
618 establish, and collect reasonable user fees, rentals, or other
619 charges, and to revise the same from time to time, for the use
620 of the recreational amenities and associated infrastructure
621 furnished by the district pursuant to the adoption procedure
622 prescribed by section 190.035, Florida Statutes. Such user fees,
623 rentals, and charges shall be just and equitable and uniform for
624 users of the same class and, when appropriate, may be based or
625 computed either upon the amount of service furnished, upon the
626 average number of persons residing or working in or otherwise
627 occupying the premises served, or upon any other factor
628 affecting the use of the facilities furnished, or upon any
629 combination of the foregoing factors, as may be determined by
630 the board on an equitable basis.

631 (5) RECOVERY OF DELINQUENT CHARGES.--In the event that any
632 rates, fees, rentals, charges, or delinquent penalties shall not
633 be paid as and when due and shall be in default for 60 days or
634 more, the unpaid balance thereof and all interest accrued
635 thereon, together with reasonable attorney's fees and costs, may
636 be recovered by the district in a civil action.

637 (6) ENFORCEMENT AND PENALTIES.--The board or any aggrieved
638 person may have recourse to such remedies in law and at equity
639 as prescribed in section 190.041, Florida Statutes.

640 Section 7. Procurement; suits; exemption of district
641 property; modifications to district boundaries; notice to
642 purchasers.--

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643 (1) PROCUREMENT.--Competitive procurement, bids, and
644 negotiations shall be as prescribed in section 190.033, Florida
645 Statutes, and subject to all other requirements of law.

646 (2) SUITS.--Suits against the district as described in
647 section 190.043, Florida Statutes, and shall be subject to the
648 limitations provided in section 768.28, Florida Statutes.

649 (3) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.--All
650 district property shall be exempt from levy and sale by virtue
651 of an execution, and no execution or other judicial process
652 shall issue against such property, nor shall any judgment
653 against the district be a charge or lien on its property or
654 revenues.

655 (4) TERMINATION, CONTRACTION, OR EXPANSION OF THE
656 DISTRICT.--

657 (a) The board may ask the Legislature through its local
658 legislative delegations in and for Pasco County to amend this
659 act to contract, to expand or to contract, and to expand the
660 boundaries of the district by amendment of this act.

661 (b) The district shall remain in existence until:

662 1. The district is terminated and dissolved pursuant to
663 amendment to this act by the Legislature.

664 2. The district has become inactive pursuant to section
665 189.4044, Florida Statutes.

666 (5) INCLUSION OF TERRITORY.--The inclusion of any or all
667 territory of the district within a municipality does not change,
668 alter, or affect the boundary, territory, existence, or
669 jurisdiction of the district.

670 (6) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
671 DISCLOSURE TO PURCHASER.--Subsequent to the creation of the
672 district under this act, each contract for the sale of a parcel
673 of real property within the district shall include, immediately

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74 prior to the space reserved in the contract for the signature of
675 the purchaser, the following disclosure statement in boldfaced
676 and conspicuous type which is larger than the type in the
677 remaining text of the contract: "THE LAKE PADGETT ESTATES
678 INDEPENDENT SPECIAL DISTRICT MAY IMPOSE AND LEVY TAXES OR
679 ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.
680 THESE TAXES AND ASSESSMENTS PAY FOR THE OPERATION, MAINTENANCE,
681 AND IMPROVEMENT COSTS OF CERTAIN RECREATIONAL AMENITIES AND
682 ASSOCIATED INFRASTRUCTURE AND SERVICES OF THE DISTRICT AND ARE
683 SET ANNUALLY BY THE BOARD OF SUPERVISORS OF THE DISTRICT. THESE
684 TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL
685 GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND
686 ASSESSMENTS PROVIDED FOR BY LAW."

687 (7) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30 days
688 after the election of the first board of supervisors, the
689 district shall cause to be recorded in the grantor-grantee index
690 of the property records of Pasco County a "Notice of Creation
691 and Establishment of the Lake Padgett Estates Independent
692 Special District." The notice shall, at a minimum, include the
693 legal description of the property covered by this act.

694 Section 8. If any provision of this act is determined
695 unconstitutional or otherwise determined invalid by a court of
696 law, all the rest and remainder of the act shall remain in full
697 force and effect as the law of this state.

698 Section 9. This act shall take effect July 1, 2006, except
699 that the provisions of this act which authorize the levy of ad
700 valorem taxation shall take effect only upon express approval by
701 a majority vote of those qualified electors of the Lake Padgett
702 Estates Independent Special District voting in a referendum
703 election held at such time as all members of the board of
704 supervisors are qualified electors who are elected by qualified

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

electors of the district as provided in this act.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to Pasco County; creating the Lake Padgett Estates Independent Special District; providing a popular name; providing definitions; stating legislative policy regarding creation of the district; providing for creation and establishment of the district and legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for an initial governing board, a board of supervisors, and board membership, meetings, organization, powers, duties, terms of office, per diem, salary, and election requirements; providing for administrative duties of the board, district employees, selection of a public depository, district budgets, financial reports, and reviews; providing for the general powers of the district; providing for the special powers of the district to maintain, operate, and improve community recreational amenities and associated infrastructure and services within the district; providing for borrowing and revenue sources including a referendum to allow for the levying of an ad valorem tax within the district; providing for competitive procurement; providing for required notices to purchasers of real property within the district; providing severability; providing an effective date.

COUNCIL MEETING REPORT

Local Government Council

2/22/2006 1:00:00PM

Location: 404 HOB

HM 539 : Indian River Lagoon Restoration Project and the Lake Okeechobee and Estuary Recovery Plan

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 22, 2006 5:30:33PM

COUNCIL MEETING REPORT

Local Government Council

2/22/2006 1:00:00PM

Location: 404 HOB

HB 547 : East County Water Control District, Lee and Hendry Counties

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

East County Water Control District
Chris Lyon (Lobbyist) - Proponent
East County Water Control District
125 S Gadsden Street
Tallahassee FL 32301
Phone: 222-5702

Committee meeting was reported out: Wednesday, February 22, 2006 5:30:33PM

COUNCIL MEETING REPORT

Local Government Council

2/22/2006 1:00:00PM

Location: 404 HOB

HB 7009 : Review under the Open Government Sunset Review Act regarding Local Government Managers

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 22, 2006 5:30:33PM

COUNCIL MEETING REPORT

Local Government Council

2/22/2006 1:00:00PM

Location: 404 HOB

HB 7011 : Review under the Open Government Sunset Review Act regarding Code Enforcement Officers

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 22, 2006 5:30:33PM

COUNCIL MEETING REPORT

Local Government Council

2/22/2006 1:00:00PM

Location: 404 HOB

Summary:

Local Government Council

Wednesday February 22, 2006 01:00 pm

HB 143 Retained

HB 273 Favorable With Committee Substitute Yeas: 8 Nays: 0

HB 333 Favorable With Committee Substitute Yeas: 7 Nays: 0

HB 341 Favorable Yeas: 8 Nays: 0

HB 479 Favorable With Committee Substitute Yeas: 8 Nays: 0

HM 539 Favorable Yeas: 8 Nays: 0

HB 547 Favorable Yeas: 8 Nays: 0

HB 7009 Favorable Yeas: 8 Nays: 0

HB 7011 Favorable Yeas: 8 Nays: 0

Committee meeting was reported out: Wednesday, February 22, 2006 5:30:33PM